

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT J. WALSH,

Plaintiff

Case No. 2:20-cv-01714-GMN-NJK

ORDER

v.

BRIAN WILLIAMS et al.,

Defendants

I. DISCUSSION

On April 8, 2022, the Court entered an order dismissing Plaintiff Robert J. Walsh's case without prejudice for failure to pay the full \$400 filing fee in compliance with this Court's March 1, 2022, order. (ECF No. 19). The Clerk of the Court entered judgment the same day. (ECF No. 20).

The Clerk's Office just informed the Court that, due to an internal Clerk's Office error, Walsh has not received any filings in this case since December 10, 2021. As such, Plaintiff did not receive the Court's order denying his motion for application to proceed *in forma pauperis* and directing him to pay the full filing fee. In light of this internal Clerk's Office error, the Court now vacates the dismissal and judgment under Federal Rule of Civil Procedure 60(b)(6). See Fed. R. Civ. P. 60(b)(6) (providing that the court may relieve a party or its legal representative from a final judgment, order, or proceeding for any other reason that justifies relief).

The Court refers Walsh to the Court's order adopting United States Magistrate Judge Nancy J. Koppe's report and recommendation (ECF No. 18) and now directs Walsh to pay the full filing fee of \$400 to the Clerk of the Court on or before Friday, May 20, 2022, in order to proceed with this case. Alternatively, if Walsh's financial status has changed, Walsh must demonstrate his indigent status by submitting a new application to proceed *in forma pauperis* with an inmate account statement for the past six months and a properly executed financial certificate to this Court on or before May 20, 2022.

For the foregoing reasons, the Clerk of the Court will vacate the dismissal order (ECF No. 19) and judgment (ECF No. 20) and reopen the case.

It is further ordered that Walsh will pay the full filing fee of \$400 to the Clerk of the Court on or before Friday, May 20, 2022, in order to proceed with this case. Alternatively, if Walsh's financial status has changed, Walsh must demonstrate his indigent status by submitting a new application to proceed *in forma pauperis* with an inmate account statement for the past six months and a properly executed financial certificate to this Court on or before May 20, 2022.

It is further ordered that, if Walsh fails to timely comply with this order, the Court will dismiss this case without prejudice.

DATED THIS 8 day of April 2022.


Gloria M. Navarro, Judge
United States District Court